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### REMARKS

#### **I. INTRODUCTION**

In response to the non-final Office Action mailed September 26, 2005, the Attorney for the Assignee submits the appended amendments and remarks. Claims 1-6 and 23 are pending in the present application. Claim 2 has been amended in the present response to remove "the merchant comprises a financial institution." The present amendment and response is believed to traverse all of the prior Office Action rejections, and allowance of the pending claims is kindly requested.

#### **II. REJECTION OF CLAIM 23 UNDER 35 U.S.C. 112, 2<sup>nd</sup> PARAGRAPH**

The Office Action rejected claim 23 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action stated that there was insufficient antecedent basis for "the merchant." Claim 23 is amended by the present response to remove "the merchant comprises a financial institution." Accordingly, the Attorney for the Assignee respectfully requests reconsideration and withdrawal of the rejection.

#### **III. REJECTION OF CLAIMS 1-6 AND 23 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 1-6 and 23 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,405,181 to *Lent et al.* in view of U.S. Patent No. 6,311,169 to *Duhon* and "A Home Remedy for Bad Credit" (hereinafter "CCM"). For the reasons set forth below, the Attorney for the Assignee respectfully submits the Office Action has failed to establish a *prima facie* case for obviousness since *Lent*, *Duhon*, and CCM, even if combined, fail to disclose or suggest each element of claims 1-6 and 23.

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For example, *Lent*, *Duhon*, and CCM, either individually or in combination, fail to disclose or suggest "generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score," as recited in claim 1. The Office Action stated *Lent* fails to disclose suggesting steps to improve the credit score but *Duhon* and CCM provides for "generating a summary report of personalized credit-related information based on credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, because it provides consumers with the best financial indicators of their financial strength and recommends ways for them to improve their financial strength and recommends ways for them to improve their financial strength when obtaining loans." (Office Action, pg. 5).

*Duhon* fails to disclose or suggest even transmitting information to a consumer, much less a summary report including an explanatory statement suggesting at least one step to improve the credit score. In contrast, *Duhon* discloses a system that presents "current and historical credit data information to on-line users so that better assessments can be made as to the credit worthiness of a consumer" and enable "credit grantors to better identify consumers with improving and deteriorating credit balances." (Abstract, col. 2, lines 46-47). For example, *Duhon* discloses displaying information for the preceding twelve or twenty-four month period so "an on-line user can trace the origins of the consumer's present credit status, including individual and total balances paid, and determine if there is a trend, i.e. if the credit status is improving or deteriorating, this is

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significant in determining whether to change the credit rating of the consumer, discontinue extending credit, increase collection efforts or to terminate the account.” (Col. 7, lines 1-10). The system disclosed in *Duhon* relates to providing consumer credit information to credit grantors and not “generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score,” as recited in claim 1. (Emphasis supplied). The system disclosed in *Duhon* allows credit grantors to receive information to better identify consumers with improving and deteriorating credit balances. Credit grantors have no use for at least one step to improve the credit score. Consequently, *Duhon* fails to disclose or suggest suggesting at least one step, based on the consumer’s credit history data, to improve the consumer’s credit score.

CCM also fails to disclose or suggest “generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score,” as recited in claim 1. The Office Action stated the CCM article discloses “a program called Instant Credit that allows consumers to repair their credit by providing them with step-by-step instructions on how to work directly with credit bureaus to remove questionable black marks from their credit histories” and “that the software allows for direct communication with the credit bureau and provides users with information on how to receive their credit report annually.” (Office Action, pg. 4-5). However, the CCM article describes a software program that allows consumers to repair

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damaged credit records at home and not through "credit doctors." "Instructions" include information related to corresponding with a credit bureau to remove black marks and "[f]orms for disputing a derogatory piece of data." The "instructions" are not based on the consumer's credit history data. Instead, they are forms and ways applicable to anyone that wants to dispute a "black mark" with a credit bureau. Consequently, CCM fails to disclose or suggest suggesting at least one step, based on the consumer's credit history data, to improve the consumer's credit score.

Accordingly, the Attorney for the Assignee respectfully submits that the Office Action has failed to establish a *prima facie* case for obviousness of claim 1 since *Lent*, *Duhon*, and CCM either collectively or individually fail to disclose or suggest every element of claim 1. Since claims 2-6 and 23 are ultimately dependent on claim 1, the references fail to disclose or suggest every element of these claims as well. Allowance of claims 1-6 and 23 is respectfully requested.

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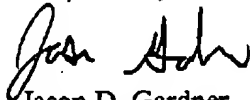
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CONCLUSION

Claims 1-6 and 23 are pending in the application. The Office Action rejections are believed to be traversed by the present amendment and response. Claims 1-6 and 23 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1-6 and 23. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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